

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Dominic Rizzuto**  
Debtor(s)

Bankruptcy Case No.: 15-21119-CMB  
Issued Per Aug 25, 2016 Proceeding  
Chapter: 13  
Docket No.: 80 – 75, 79  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 17, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,101 as of September 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.  
The secured claim of Lakeview Loan at Claim No. 3-2 shall govern as to prepetition arrears, and the monthly post-petition payments shall be based on payment change declarations.  
The attorney fees to debtor's counsel shall be paid pursuant to the prior plan.  
The claim of First Commonwealth Bank at Claim No. 4 shall be paid \$554 per month.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: August 30, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 6**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Dominic Rizzuto  
 Debtor

Case No. 15-21119-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

Page 1 of 3  
 Total Noticed: 81

Date Rcvd: Aug 30, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 01, 2016.

db  
 14021778 ++Dominic Rizzuto, 817 State Route 18, Aliquippa, PA 15001-9421  
 ++ALLIED ADJUSTORS INC, PO BOX 1006, ALIQUIPPA PA 15001-0806  
 (address filed with court: Allied Adjustors, 845 23rd St, Aliquippa, PA 15001)  
 14021779 ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: Am Honda Fin, 201 Little Falls Dr, Wilmington, DE 19808)  
 14055844 ++Advanced Recovery Systems, PO Box 80766, Valley Forge, PA 19484-0766  
 14055845 Allegheny Clinic, PO Box 848659, Boston, MA 02284-8659  
 14055846 ++Allied Adjustors, PO Box 1006, Aliquippa, PA 15001-0806  
 14021781 ++Barclays Bank Delaware, 125 S West St, Wilmington, DE 19801-5014  
 14055849 ++Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803  
 14021782 ++Bby/cbna, 50 Northwest Point Road, Elk Grove Village, IL 60007-1032  
 14055850 Beaver County Domestic Relations, Beaver County Courthouse, Beaver, PA 15009  
 14055851 ++Best Buy, PO Box 6497, Sioux Falls, SD 57117-6497  
 14021783 ++Bk Of Amer, 450 American St, Simi Valley, CA 93065-6285  
 14021785 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One, PO Box 85015, Richmond, VA 23285)  
 14055857 ++COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477  
 (address filed with court: Collection Service Center, 363 Vanadium Road, PO Box 13446, Pittsburgh, PA 15243)  
 14055858 ++COLLECTION SERVICE CENTER INC BUTLER PA, PO BOX 1623, BUTLER PA 16003-1623  
 (address filed with court: Collection Service Center, PO Box 1623, Butler, PA 16003)  
 14021784 ++Cap One, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3439  
 14021787 ++Capital One, PO Box 5253, Carol Stream, IL 60197-5253  
 14055852 ++Capital One, PO Box 30281, Salt Lake City, UT 84130-0281  
 14021789 ++Cb/justice, PO Box 182789, Columbus, OH 43218-2789  
 14055853 ++Chas/Bank One Card, PO Box 15298, Wilmington, DE 19850-5298  
 14021790 ++Chase Card, PO Box 15298, Wilmington, DE 19850-5298  
 14055854 ++Citicards, 701 E 60th Street N, Sioux Falls, SD 57104-0432  
 14021791 ++Citizens Bank, 1 Citizens Dr, Riverside, RI 02915-3000  
 14055856 ++Clarke Pathology, 5700 Southwick Blvd., Toledo, OH 43614-1509  
 14055859 Collection Service Center, PO Box 13466, Pittsburgh, PA 15243  
 14055860 ++Comenity Bank, PO Box 182789, Columbus, OH 43218-2789  
 14021792 ++Comenity Bank/anntylr, PO Box 182273, Columbus, OH 43218-2273  
 14021793 ++Comenity Bank/gnteagle, PO Box 182685, Columbus, OH 43218-2685  
 14055861 ++Convergent, PO Box 9004, Renton, WA 98057-9004  
 14021796 ++Esb Bk Ellwd, 600 Lawrence Ave, Ellwood City, PA 16117-1930  
 14055866 ++FST Bankcard, PO Box 3412, Omaha, NE 68103-0412  
 14116094 ++First Commonwealth Bank, c/o Brett A. Solomon, Esquire, Tucker Arensberg, P.C.,  
 1500 One PPG Place, Pittsburgh, PA 15222-5413  
 14021798 ++Fnb Omaha, PO Box 3412, Omaha, NE 68103-0412  
 14021799 ++Frd Motor Cr, P.o.box 542000, Omaha, NE 68154-8000  
 14055868 ++Heritage Valley Health System, 1000 Dutch Ridge Rd, Beaver, PA 15009-9727  
 14055870 ++Home Depot/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497  
 14055871 ++Iquantified Management, PO Box 370130, Denver, CO 80237-0130  
 14055875 ++Medexpress, PO Box 7964, Belfast, ME 04915-7900  
 14055876 ++Medic Rescue, 313 Bridge Street, Beaver, PA 15009-2906  
 14021802 ++Midland St Bk/grnsky/t, 1797 Ne Expressway, Atlanta, GA 30329-7803  
 14055883 ++State Collection Service Inc, 2509 S. Stoughton Road, Madison, WI 53716-3314  
 14055884 ++TD Bank USA, PO Box 673, Minneapolis, MN 55440-0673  
 14021811 ++Td Bank Usa/targetcred, PO Box 673, Minneapolis, MN 55440-0673  
 14021812 ++Thd/cbna, PO Box 6497, Sioux Falls, SD 57117-6497  
 14055886 ++Transworld, 5 Penn Center Ste 100, Pittsburgh, PA 15276-0126  
 14055885 ++Transworld, PO Box 15618, Wilmington, DE 19850-5618

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 cr

++E-mail/Text: adjustor@westaircomm.com Aug 31 2016 01:47:26  
 West Aircomm Federal Credit Union, PO Box 568, Beaver, PA 15009-0568  
 14021780 ++E-mail/Text: ebnbankruptcy@ahm.honda.com Aug 31 2016 01:48:10 American Honda Finance,  
 1235 Old Alpharetta Rd, Alpharetta, GA 30005  
 14055848 ++E-mail/Text: ebnbankruptcy@ahm.honda.com Aug 31 2016 01:48:10 American Honda Finance,  
 1335 Northmeadow Parkway, Suite 100, Roswell, GA 30076  
 14028919 ++E-mail/Text: bncmail@w-legal.com Aug 31 2016 01:48:10 CERASTES, LLC,  
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
 14021788 ++E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Aug 31 2016 01:53:58 Capital One Auto Finan,  
 3901 Dallas Pkwy, Plano, TX 75093-7864  
 14055862 ++E-mail/Text: creditonebknotifications@resurgent.com Aug 31 2016 01:47:29 Credit One Bank,  
 PO Box 98873, Las Vegas, NV 89193-8873  
 14021794 ++E-mail/Text: creditonebknotifications@resurgent.com Aug 31 2016 01:47:29 Credit One Bank Na,  
 PO Box 98872, Las Vegas, NV 89193-8872  
 14055863 ++E-mail/Text: mrdiscen@discover.com Aug 31 2016 01:47:25 Discover Financial, PO Box 15316,  
 Wilmington, DE 19850  
 14021795 ++E-mail/Text: mrdiscen@discover.com Aug 31 2016 01:47:25 Discover Fin Svcs Llc,  
 PO Box 15316, Wilmington, DE 19850-5316

District/off: 0315-2

User: jhel  
Form ID: 149

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Total Noticed: 81

Date Rcvd: Aug 30, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14021797 +E-mail/Text: bankruptcynotice@fcbanking.com Aug 31 2016 01:47:31 First Commonwealth Ban,  
601 Philadelphia St, Indiana, PA 15701-3952  
14055865 E-mail/Text: bankruptcynotice@fcbanking.com Aug 31 2016 01:47:31 First Commonwealth Bank,  
22 N 6th Street, Indiana, PA 15701-1802  
14055867 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:45 GECRB/ Care Credit,  
PO Box 965036, Orlando, FL 32896-5036  
14055869 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:44 HH Gregg, PO Box 965036,  
Orlando, FL 32896-5036  
14055872 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:45 JC Penney, PO Box 965007,  
Orlando, FL 32896-5007  
14055873 +E-mail/Text: bnckohlsnotices@becket-lee.com Aug 31 2016 01:47:33 Kohls, PO Box 3115,  
Milwaukee, WI 53201-3115  
14107878 +E-mail/Text: camanagement@mtb.com Aug 31 2016 01:47:37 Lakeview Loan Servicing, LLC,  
C/O M&T BANK, PO BOX 1288, Buffalo, NY 14240-1288  
14021800 E-mail/Text: camanagement@mtb.com Aug 31 2016 01:47:37 M & T Bank, 1 Fountain Plz,  
Buffalo, NY 14203  
14055874 E-mail/Text: camanagement@mtb.com Aug 31 2016 01:47:37 M&T Bank, P.O. Box 900,  
Millsboro, DE 19966  
14021801 +E-mail/Text: bkr@cardworks.com Aug 31 2016 01:47:20 Merrick Bank, Po Box 9201,  
Old Bethpage, NY 11804-9001  
14055877 +E-mail/Text: bkr@cardworks.com Aug 31 2016 01:47:20 Merrick Bank, PO Box 1500,  
Draper, UT 84020-1500  
14055878 +E-mail/Text: nhc@nhchome.com Aug 31 2016 01:47:21 National Hospital Collections,  
16 Distribution Drive Suite 2, Morgantown, WV 26501-7209  
14055879 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 01:54:00 QVC, PO Box 53095,  
Atlanta, GA 30355-1095  
14055882 E-mail/Text: appebnmailbox@sprint.com Aug 31 2016 01:47:54 Sprint, PO Box 4191,  
Carol Stream, IL 60197  
14055880 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:45 Sams Club, PO Box 965005,  
Orlando, FL 32896-5005  
14021803 +E-mail/Text: bankruptcy@bbandt.com Aug 31 2016 01:47:44 Sheffield Financial Co,  
2554 Lewisville Clemmons, Clemmons, NC 27012-8110  
14021804 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 01:54:00 Synch/care Credit,  
C/o Po Box 965036, Orlando, FL 32896-0001  
14021805 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:45 Synch/hh Gregg,  
C/o Po Box 965036, Orlando, FL 32896-0001  
14021806 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:45 Synch/jcp, Po Box 965007,  
Orlando, FL 32896-5007  
14021807 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:45 Synch/lane Furniture,  
C/o P.o. Box 965036, Orlando, FL 32896-0001  
14021808 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:45 Synch/qvc, Po Box 965018,  
Orlando, FL 32896-5018  
14021809 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:45 Synch/sams Club,  
4125 Windward Plaza, Alpharetta, GA 30005-8738  
14021810 E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 01:54:01 Synch/walmart, Po Box 965024,  
El Paso, TX 79998  
14055887 +E-mail/PDF: gecsed@recoverycorp.com Aug 31 2016 02:02:27 Walmart, PO Box 965024,  
Orlando, FL 32896-5024  
14055888 +E-mail/Text: adjustor@westaircomm.com Aug 31 2016 01:47:26 West Aircomm, PO Box 568,  
Beaver, PA 15009-0568  
14021813 +E-mail/Text: adjustor@westaircomm.com Aug 31 2016 01:47:26 West Aircomm Fcu,  
485 Buffalo St, Beaver, PA 15009-2058

TOTAL: 35

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Lakeview Loan Servicing, LLC  
cr\* +First Commonwealth Bank, c/o Brett A. Solomon, Esquire, Tucker Arensberg, P.C.,  
1500 One PPG Place, Pittsburgh, PA 15222-5413  
14055847\* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
(address filed with court: American Honda Finance, 201 Little Falls Drive,  
Wilmington, DE 19808)  
14055855\* +Citizens Bank, 1 Citizens Drive, Riverside, RI 02915-3000  
14021786 ##+Capital One, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3438  
14055864 ##+Diversified Consultants, Po Box 571, Fort Mill, SC 29716-0571  
14055881 ##+South Hills Radiology, P.O. Box 797, Bethel Park, PA 15102-0797

TOTALS: 1, \* 3, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court  
immediately.

District/off: 0315-2

User: jhel  
Form ID: 149

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\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 01, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 30, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Lakeview Loan Servicing, LLC agornall@goldbecklaw.com,  
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com  
Brett A. Solomon on behalf of Creditor First Commonwealth Bank bsolomon@tuckerlaw.com,  
dparanay@tuckerlaw.com/apetronchak@tuckerlaw.com/agilbert@tuckerlaw.com  
Erin P. Dyer on behalf of Creditor West Aircomm Federal Credit Union  
erindyer@wvlegalcounsel.com  
Erin P. Dyer on behalf of Defendant West Aircomm Federal Credit Union  
erindyer@wvlegalcounsel.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Robert J. Colaizzi on behalf of Debtor Dominic Rizzuto robert@colaizzilaw.com,  
andrea@colaizzilaw.com;barb@colaizzilaw.com;colaizzilawfirm@yahoo.com;accounting@colaizzilaw.com  
Robert J. Colaizzi on behalf of Plaintiff Dominic Rizzuto robert@colaizzilaw.com,  
andrea@colaizzilaw.com;barb@colaizzilaw.com;colaizzilawfirm@yahoo.com;accounting@colaizzilaw.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8